IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 14417 of 2007(N)

PETITIONER:

MOIDU, KAYALULLA PARAMBA,
KAVILAMPARA, KOZHIKODE - 13.

BY ADV. SRI.S.ANANTHAKRISHNAN
SRI.N.K.SUBRAMANIAN

RESPONDENTS:

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1. THE ADDL.DISTRICT MAGISTRATE, KOZHIKODE.

2. THE ASSISTANT EXECUTIVE ENGINEER,
KERALA STATE ELECTRICITY BOARD, NADAPURAM,
KOZHIKODE.

3. SMT.KUNIYIL MATHU,
KUNIYIL VEEDU, KAVILUMPARA, KOZHIKODE DISTRICT.

4. KUNJABDULLA,
PACHANKANDI, KAVILUMPARA, KOZHIKODE DISTRICT.

5. SRI.POKKER,
VENGADEN VEETTIL, KAVILUMPARA, KOZHIKODE DISTRICT.

6. SRI.PAVITHRAN,
ERANHIJULLATHIL, KAVILUMPARA, KOZHIKODE DISTRICT.

7. SMT.PATHU,
MOTTUMMAL, KAVILUMPARA, KOZHIKODE DISTRICT.

8. THE SECRETARY,
KAVILUMPARA PANCHAYATH, KOZHIKODE DISTRICT.

R2 BY SC SRI.P.P. THAJUDEEN
R8 BY ADV. SRI.S.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE ROUGH SKETCH

EXT.P2 TRUE COPY OF THE ORDER DATED 18.4.2007 PASSED BY THE FIRST RESPONDENT.

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 14417 OF 2007

Dated this the 3rd day of August, 2007

JUDGMENT

Heard counsel for the petitioner and standing counsel for the Ele. Board. The line approved over the petitioner's property is weather proof line of 35 metres length. Obviously there is no scope for interference as weather proof line is insulated and benign. However, counsel for the petitioner pointed out that if line is drawn through the boundary of the petitioner's property the land could be utilised for construction of a building. Probably if line is drawn through the boundary, longer cable may have to be used, which may be in excess of permissible limit of weather proof line. I do not think five or ten metres more of weather proof line will matter. In the circumstances, there will be direction to the second respondent to draw the weather proof cable over the boundary of petitioner's property. However, if by any chance the length of the cable is such that connection cannot be given with longer weather proof cable, he will draw line by using insulated cable through underground which will be supplied by the petitioner.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge